

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

03 SEP 12 PM 5: 16

CLERK'S MINUTES

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

CASE NO. 8:03-cr-77-T-30TBM DATE: September 12, 2003  
HONORABLE James S. Moody, Jr. INTERPRETER N/A

UNITED STATES OF AMERICA

v.

Sami Amin Al-Arian  
Sameeh Hammoudeh (present)  
Ghassen Zayed Ballut  
Hatim Naji Fariz  
Defendant(s)

Terry Zitek, Walter Furr  
Government Counsel  
Pro Se  
Stephen Bernstein  
Bruce Howie  
Don Horrox and Allison Guagliardo  
Defense Counsel

COURT REPORTER Diane Montana (Montana) DEPUTY CLERK Sara Boswell

TIME 10:35 - 11:45 a.m. TOTAL 1.5 Courtroom 13 A

PROCEEDINGS: ORAL ARGUMENT on [dkt. 168] Motion for a pretrial conference and protective order pursuant to the Classified Information Procedures Act (CIPA). [Hearing continued from August 6, 003.]

Government has filed a revised Motion for Rule 16(d) protective order [258-1]. Court hears arguments regarding the pending motion. Government believes Local Rule 4.10 may not deal with the situation of divulging information in the public domain. If the information is leaked, it may interfere with an impartial jury pool. Furthermore, the government is concerned with persons who have terrorist ties obtaining the information.

Government makes a correction to the scrivener's error in paragraph six of the motion. Paragraph referenced should be paragraph 2.

Defendants object to the government's motion. Arguments made.

Court wishes to ensure a fair trial and feels that the potential release of unprotected information could potentially prejudice the defendants. Court agrees with the government's arguments of unfeathered information disclosing the means of which the intercepts were obtained and that disclosure might jeopardize future cases and intercepts. Court inquires from the defendants what practical problems would be created with the protective order in place.

Defendant Al-Arian expresses concerns about possible witnesses being "chilled" and becoming reluctant to offer assistance. Mr. Horrox raises issue with defense work product becoming government property. Court will issue the protective order provided by the government but will make revisions as discussed in open court.

269